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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,814	08/25/2003	Cheng Chung Wang	10111953	2353

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QUINTERO LAW OFFICE  
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SANTA MONICA, CA 90404

EXAMINER
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SOLAK, TIMOTHY P

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,814	WANG, CHENG CHUNG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy P. Solak	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/28/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**FINAL ACTION*****Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 are rejected under the judicially created doctrine of double patenting over Claim 14 of U. S. Patent No. 6,793,469 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: an inflatable body, a socket built in the inflatable body and an electric pump, including a pump body and an air outlet, connected to the socket to pump the inflatable body; wherein the pump body is wholly or partially located in the socket.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application

which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968).

See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Feldman (5,890,882). Feldman teaches an inflatable body 54, a socket 25 built into the inflatable body, an electric pump 8/12 including an air outlet 46 connected to the inflatable body via said socket (column 4, lines 30-35) and a pump body 2/50/38 connected to the socket to pump the inflatable body, wherein the pump body is wholly or partially located in the socket. Feldman further discloses at least one battery 16 supplying the pump with power and a switch 18 to actuate the electric pump.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen et al. (4,678,014). Owen et al. teach an inflatable body (M), a socket ((T) see Figure 8) built into the inflatable body, an air outlet (inside area of element 149) connected to the inflatable body via said socket (see Figure 8) and an electric pump 10 including a pump body 149/144/26; wherein the pump body is wholly or partially located in the socket. Although Owen et al. teach most of the limitations of the claims, including an electrical connection powering the motor via an external source (see Claim 4); they do not disclose a connector. A connector is an inherent feature of any power cord. It was old and well known in the art of pump fabrication, that an ordinary connector advantageously facilitated assembly and disassembly. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used a common connector, in the pump disclosed by Owen et al., to have advantageously facilitated assembly and disassembly.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (previously mentioned), in view of Choy (5,605,482). Although Feldman teaches most of the limitations of the claim, including a battery-powered pump equipped with a switch, he does not disclose a waterproof layer covering the switch. Choy, disclosing an inflatable body 2-5 equipped with an electrical switch 96, specifically teaches use of a protective coating (column 13, line 66 to column 14, line 10). Choy teaches the protective coating advantageously enabled the unit to function (column 6, lines 39-47). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the protective coating

taught by Choy, in the pump disclosed by Feldman, to have advantageously enabled the unit to function.

***Response to Arguments***

Applicant's arguments filed 10/28/2004 have been fully considered but they are not persuasive.

In response to applicant's argument, namely Feldman does not teach an air outlet or a pump body within a socket; claim limitations are given their broadest meaning in light of specification. In this instance, the air outlet disclosed by the specification, such as air outlet 425 in Figure 8B or air outlet 525 in Figure 9A, is a non-descript passageway through the pump body; identical to passageway 46 disclosed by Feldman.

With respect to the applicant's contention, namely that adaptor 38 is not part of the pump body, the unity of diversity of parts does not patentably distinguish a structure. The object of Feldman invention is to inflate bladder 54 and absent the adaptor the intended objective could not be accomplished. Whether structural elements 2/50/38 are integral or separate parts, they still form a "pump body" which is inserted, at least "partially" into a socket.

Feldman teaches every element set forth in the claims.

Therefore these arguments are not persuasive and the rejections proper.

Applicant's arguments, see page 8, second paragraph, filed 10/28/2004, with respect to Applicant's Admitted Prior Art, have been fully considered and are persuasive. Accordingly, the

rejections of Claims 2-3 over Applicant's admitted prior art Figures 1A and 1B, in view of Owen et al., set forth in the previous Office Action, are hereby withdrawn.

With respect to applicant's arguments directed at Owen et al., the unity of diversity of parts, does not patentably distinguish a structure. (See above remarks with respect to Feldman.) Owen et al. teaches a pump body 149/144/26 having an air outlet (inside area of element 149); wherein the pump body is at least partially located in a socket (T; see Figure 8). Therefore this argument is not persuasive and the rejection proper.

Applicant's arguments with respect to Claims 5-7, do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

The Examiner acknowledges notification of the reissue application (10/747,010), as well as the continuing applications (09/738,331 and 09/542,477).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wilhoit (5,771,514) teaches a pump located within a socket of an inflatable body.
- Wu (6,543,073) teaches an inflatable body having a socket with a pump.
- Choi et al. (6,457,192) teach an air pump located wholly in a socket of an inflatable body (see Figure 15).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P. Solak whose telephone number is 571 272-4833. The examiner can normally be reached on Monday through Friday from 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tps

December 29, 2004

  
**CHERYL TYLER**  
**SUPERVISORY PATENT EXAMINER**